



VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN

ORDINANCE NO. 15-032

AN ORDINANCE AMENDING SECTIONS 54.108 AND 58.100 ENTITLED *PUBLIC PARKS; CLOSING HOURS*, AND SECTION 58.103 ENTITLED *DAMAGE (VANDALISM) TO VILLAGE PARKLAND AND RECREATIONAL PROPERTY* AND OF THE MUNICIPAL CODE OF ORDINANCES

WHEREAS, Chapter 58 of the Weston Municipal Code provides for regulations and enforcement procedures for park and recreation activities within the Village; and

WHEREAS, Chapter 54 of the Weston Municipal Code provides for offenses and miscellaneous provisions within the Village; and

WHEREAS, from time to time, Municipal Ordinances should be reviewed and amended to ensure the ordinances are still relevant and up to date; and

WHEREAS, over the last year, there have been an increase of incidents of people in the parks after hours and vandalism in the parks occurring after hours; and

WHEREAS, a recent amendment to Wis. Stat. § [895.035](#) allows the Village to issue a fine up to \$5,000 to the parent or guardian of a minor convicted of damage to Village parkland or parkland property instead of the \$500 of the current ordinance; and

WHEREAS, it has been determined an amendment to the ordinance will better enable law enforcement to enforce the ordinances and the increased citations and fines may deter those individuals from vandalizing in the future; and

NOW, THEREFORE, the Village Board of Weston, Marathon County, Wisconsin, do ordain as follows:

SECTION 1: Sections 54.108 and 58.100 of the Village of Weston Municipal Code of Ordinances entitled *Public park; closing hours* and Section 58.103 of the Village of Weston Municipal Code of Ordinances entitled *Damage (Vandalism) to Village parkland and Recreational Property* are hereby amended to provide as follows:

Sec. 54.108. Public parks, closing hours.

It should be unlawful for any person, except registered campers, in or en route to designated campgrounds, to enter or to be in any public park in the Village of Weston, between the hours of 11:00 p.m. and the following 5:00 a.m. Nor shall any person during these hours, park, stop, or leave standing, whether attended or unattended, any vehicle or watercraft in any such public park in the village. Any person violating the provisions of this section shall be penalized as provided in Sec. 1.111.

Sec. 58.100. Public parks; closing hours.

It shall be unlawful for any person, except registered campers, in or en route to designated campgrounds, to enter or to be in any public park in the village between the hours of 11:00 p.m. and the following 5:00 a.m. Nor shall any person during these hours park, stop or leave standing, whether attended or unattended, any vehicle or watercraft in any such public park in the village. Any person violating the provisions of this section shall be penalized as provided in Sec. 1.111.

Section 58.103. Damage (Vandalism) to Village parkland and Recreational Property.

- (a) ***Prohibited conduct/forfeiture/restitution.*** It shall be unlawful for any person to willfully damage or assist in the damage of Village parkland property or equipment. Such person(s) shall be in violation of the Village of Weston Municipal Code Chapter 54 Sec. 54.100 “Offenses against property”, specifically Wis. Stats. §§ [943.01](#)(1), (3), and (4) Criminal Damage to Property, with a fine of no less than \$100.00 and no greater than \$1,000.00 based on the offense and ordered to pay full restitution for damages.
- (b) ***Additional penalties/banning use of parkland/recreational property.*** Any person guilty of damaging Village parkland or parkland property shall be banned from all Village parks, trails, sports fields, ice rinks, or picnic areas for a period of five years. Any such banned person(s) who is found on Village parkland property shall be in violation of Wis. Stat. § [943.13](#) - the state’s criminal trespass law and fined accordingly per Wis. Stat. [778.26](#). After five years, a person(s) may petition for a hearing with the Weston Park and Recreation Committee for restored parkland use privileges.
- (c)
 - (1) ***Parental liability/minor.*** The parent or guardian of a minor (16 years or younger) convicted of damage to Village parkland or parkland property may be fined under Wis. Stat. § [895.035](#) for no less than \$100.00 and no greater than \$5000.00 based on the severity of the offense. In addition, the Village of Weston is entitled to recovery of all damages under Wis. Stats. §§ [895.035](#)(4), (5), (6), (7).
 - (2) ***Option to reduce fine.*** A parent and offending minor may be given the option of eliminating or reducing their fine by engaging in community service through the County’s Restorative Justice Program. Referrals to this program will be made by the Everest Metro Police Department to the Village of Weston Park and Recreation Committee. Referral to the Restorative Justice Program does not preclude payment for the restitution of damages.

SECTION 2: SEVERABILITY. If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. If an application of this Ordinance to a particular structure, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land, or water not specifically included in said judgment. If any requirement or limitation attached to an authorization given under this Ordinance is found invalid, it shall be presumed that the authorization would not have been granted without the requirement or limitation and, therefore, said authorization shall also be invalid. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 3: EFFECTIVE DATE. This ordinance shall take effect upon approval and publication.

Dated the 21st day of December, 2015

WESTON VILLAGE BOARD

By: Barbara Ermeling
Barbara Ermeling, its President

Attest:

Sherry Weinkauff
Sherry Weinkauff, its Clerk

APPROVED: 12/21/15

PUBLISHED: 12/23/15

Notice of Newly Enacted Ordinance

Please take notice that the Village Board of Weston, Wisconsin enacted on December 21, 2015, Ordinance No. 15-032: An Ordinance Amending Sections 54.108 and 58.100 Entitled Public Parks; Closing Hours, and Section 58.103 Entitled Damage (Vandalism) to Village Parkland and Recreational Property and of the Municipal Code of Ordinances.

The full text of Ordinance No. 15-032 may be obtained at the office of the Village Clerk, 5500 Schofield Avenue, Weston, Wisconsin or through the Village's website at <http://www.westonwi.gov>.

Published: 12/23/15